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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/821,832  
Applicant : Tuschl et al.  
Filed : March 30, 2001  
TC/A.U. : 1635  
Examiner : Amy Hudson Bowman

Docket No. : 0399.2008-002  
Customer No. :  
Confirmation No. : 6240

**SUBMISSION OF DECLARATION IN SUPPORT OF  
WITHDRAWAL OF PRIORITY CLAIM**

Director of the United States Patent  
and Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

January 24, 2006

Sir:

The undersigned is not an attorney of record for the present application but is submitting the attached declaration at the request of Dr. Thomas Tuschl. The counsel of record was invited to submit Dr. Tuschl's declaration to clarify the priority of the present application but no such submission has been made to date.

Dr. Thomas Tuschl, one of the inventors of the present application, believes that the priority claim for the present application is incorrect. The present application claims priority back to European application no. 00126325.0 filed on December 1, 2000. The subject matter disclosed in European application no. 00126325.0 was invented by a different inventive entity than the present application and is disclosed and claimed in co-pending U.S. application serial no. 10/433,050 filed in the names of Thomas Tuschl, Sayda Elbashir, and

Winfried Lendeckel. The subject matter disclosed in the present application regarding single stranded 3' overhangs was derived from the inventors of U.S. application serial no. 10/433,050. In order to avoid any allegations of inequitable conduct and to clarify that he does not believe that the present application is entitled to claim priority back to European application no. 00126325.0, attached is a new declaration signed by Dr. Tuschl which does not claim priority back to European application no. 00126325.0.

Dr. Tuschl requests that the new declaration be entered and his belief that the present application is not entitled to claim priority back to European application no. 00126325.0 be reflected in the official record.

Respectfully submitted,

By   
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